



February 22, 2010  
VIA ECFS

Ms. Marlene H. Dortch, Commission Secretary  
Office of the Secretary  
Federal Communications Commission  
445 12th Street SW, Suite TW-A325  
Washington, DC 20554

**RE: EB Docket No. 06-36**  
**2009 CPNI Certification Filing for NetCarrier Telecom, Inc.**

Dear Ms. Dortch:

In accordance with Federal Communications Commission's Enforcement Advisory No. 2010-01, DA 10-91, EB Docket No. 06-36, released January 15, 2010 and pursuant to 47 C.F.R. § 64.2009(e), NetCarrier Telecom, Inc. files its Certification and attached Statement of Customer Proprietary Network information (CPNI) for the year 2009. Please include this Certification in EB Docket No. 06-36.

Please contact me at 407-740-3031 or [sthomas@tminc.com](mailto:sthomas@tminc.com) if you have any questions about this filing.

Sincerely,

/s/Sharon Thomas  
Sharon Thomas  
Consultant to NetCarrier Telecom, Inc.

*ST/im.*

*Enclosure*

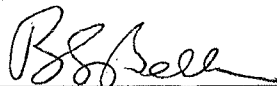
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C. Gerczak, NetCarrier Telecom, Inc.  
File: NetCarrier - FCC CPNI  
TMS: FCC1001

**ANNUAL 47 C.F.R. § 64.2009(e) OFFICER'S CERTIFICATION OF  
CUSTOMER PROPRIETARY NETWORK INFORMATION (CPNI) COMPLIANCE**

**EB Docket 06-36**

Annual 64.2009(e) CPNI Certification for 2010:	Covering calendar year 2009
Name of company(s) covered by this certification:	NetCarrier Telecom, Inc.
Form 499 Filer ID:	822608
Name of signatory:	Barry Bella
Title of signatory:	Executive Vice President Marketing

1. I, Barry Bella, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. See 47 C.F.R. §64.2001 *et seq.*
2. Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements (including those mandating the adoption of CPNI procedures, training, recordkeeping, and supervisory review) set forth in §64.2001 *et seq.* of the Commission's rules.
3. The company has not taken actions (*i.e.*, proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year.
4. The company has not received customer complaints in the past year concerning the unauthorized release of CPNI.
5. The company represents and warrants that the above certification is consistent with 47 C.F.R. §1.17 which requires truthful and accurate statements to the Commission. The company also acknowledges that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may subject it to enforcement action.



Barry Bella, Executive Vice President Marketing

2/22/10

Date

**Attachments:**      Accompanying Statement explaining CPNI procedures

**Attachment A**  
**Statement of CPNI Procedures and Compliance**

## **NetCarrier Telecom, LLC**

### **Statement of CPNI Procedures and Compliance**

NetCarrier Telecom ("NetCarrier" or "the Company") notifies its customers of their right to restrict use of, disclosure, and access to their CPNI, prior to asking for approval to use CPNI for marketing purposes. Customer approval is obtained in accordance with the applicable rules set forth in 47 CFR Subpart U. The Company has an employee training program and supervisory review process in place to ensure compliance with the CPNI rules. Any requests for CPNI for the purpose of outbound marketing campaigns are subject to supervisory approval. NetCarrier establishes and maintains records establishing proof that approval was obtained and has a system that indicates the status of the customer's CPNI approval that is consistent with the FCC requirements.

The Company does not disclose CPNI to independent contractors or joint venture partners and does not use CPNI to identify or track customers who call competing providers. The Company has a strict policy prohibiting the disclosure of CPNI to any third parties, unless required to do so by law (e.g., in response to a subpoena). The Company maintains a record of all instances where CPNI was disclosed or provided to third parties, or where third parties were allowed access to CPNI pursuant to legally authorized requests.

The Company has a formal process in place to certify the CPNI protection policies instituted by its vendors, service bureaus and wholesale carriers.

As set forth below, NetCarrier has processes and procedures in place to safeguard its customers' CPNI, including call detail information, from improper use or disclosure by employees; and to discover and protect against attempts by third parties to gain unauthorized access to customer CPNI. The Company trains its employees regarding its procedures for protecting CPNI on an ongoing basis and monitors the interactions of its employees with customers to ensure that procedures are being followed. NetCarrier has a strict disciplinary process in place for the unauthorized use or improper disclosure of CPNI.

NetCarrier has instituted authentication procedures to safeguard the disclosure of call detail over the telephone. Its authentication procedures do not require the use of readily available biographical information or account information as defined by the FCC. All customers are required to establish a password without the use of readily available biographical information or account information if they want to receive call detail over the telephone. If the appropriate password is not provided, the customer service representative will either call the customer back at the telephone number of record to provide the requested information or send the information to the customer's address of record.

For online account access, NetCarrier has established authentication and password procedures that are in compliance with the applicable rules set forth in 47 CFR Subpart

U, including the implementation of authentication procedures that do not require the use of readily available biographical information or account information.

Company has instituted procedures to notify customers immediately whenever a password, customer response to a back-up means of authentication for lost or forgotten passwords, online account or address of record is created or changed without revealing the changed information or sending the notification to the new account information.

NetCarrier does not have any retail locations and therefore does not disclose CPNI in-store.

The Company has procedures in place to notify law enforcement in the event of a breach of customers' CPNI and to ensure that the affected customers are not notified of the breach before the time period set forth in the FCC's rules, or, if applicable, when so authorized by law enforcement. Specifically, as soon as practicable, and in no case later than seven business days upon learning of a breach, the Company will notify the U.S. Secret Service and the FBI by electronic means, as required by FCC regulations. The Company will not notify customers or disclose a breach to the public until seven full business days have passed after notification to the U.S. Secret Service and the FBI, unless it believes there is an extraordinarily urgent need to notify customers before seven days in order to avoid immediate and irreparable harm. In that instance, it will only notify such customers after consultation with the relevant investigating agency and will cooperate with the agency's request to minimize any adverse effects of the customer notification. If the Company receives no response from law enforcement after the seventh full business day, it will promptly proceed to inform the customers whose CPNI was disclosed of the breach.

The Company will delay notification to customers or the public if requested to do so by the U.S. Secret Service or FBI. Notifications to law enforcement and customers are handled by a supervisor level employee responsible for managing the company's CPNI compliance.

The Company has not had any breaches of its customers' CPNI during the past year, but does have processes in place to ensure that it maintains electronic records of any breaches that are discovered and of notifications made to the USSS and the FBI, as well as to customers, for a period of at least two years.

NetCarrier has not developed any information with respect to the processes pretexters are using to attempt to access CPNI, but does take steps to protect CPNI from pretexters as described in this Statement.